

**4-25-14 Impounded livestock -- Determination and location of owner -- Sale -- Disposition of proceeds -- Notice -- Title of purchaser -- Immunity from liability.**

- (1) As used in this section, "impounded livestock" means the following animals seized and retained in legal custody:
- (a) cattle;
  - (b) calves;
  - (c) horses;
  - (d) mules;
  - (e) sheep;
  - (f) goats;
  - (g) hogs; or
  - (h) domesticated elk.
- (2)
- (a) A county may:
    - (i) take physical possession of impounded livestock seized and retained within its boundaries; and
    - (ii) attempt to determine the name and location of the impounded livestock's owner.
  - (b) The department shall assist a county who requests help in locating the name and location of the owner or other person responsible for the impounded livestock.
  - (c)
    - (i) Notwithstanding the requirements of Title 67, Chapter 4a, Unclaimed Property Act, if the county cannot determine ownership of the impounded livestock, or, if having determined ownership, neither the county nor the department is able to locate the owner within a reasonable period of time, the impounded livestock shall be sold at a livestock or other appropriate market.
    - (ii) The proceeds of a sale under Subsection (2)(c)(i), less the costs described in Subsection (2)(c)(iii), shall be paid to the State School Fund created by the Utah Constitution Article X, Section 5, Subsection (1).
    - (iii) The livestock or other market conducting the sale under Subsection (2)(c)(i) may deduct the cost of feed, transportation, and other market costs from the proceeds of the sale.
- (3) A county shall publish the intended sale of the impounded livestock:
- (a) at least 10 days prior to the date of sale; and
  - (b) in a publication with general circulation within the county where the impounded livestock was taken into custody.
- (4) A purchaser of impounded livestock sold under this section shall receive title to the impounded livestock free and clear of all claims of the livestock's owner or a person claiming title through the owner.
- (5) If a county complies with the provisions of this section, it is immune from liability for the sale of impounded livestock sold at a livestock or other appropriate market.
- (6) Notwithstanding the requirements of Subsection (2)(c), a county may employ a licensed veterinarian to euthanize an impounded livestock if the licensed veterinarian determines that the impounded livestock's physical condition prevents the impounded livestock from being sold.

Amended by Chapter 282, 2009 General Session